



Application GRANTED *nunc pro tunc*. By February 1, 2024, the parties shall file a notice of dismissal or other appropriate proof of termination, or a joint letter explaining their efforts and progress toward consummating their settlement.

November 2, 2023

SO ORDERED.

A handwritten signature in black ink that reads 'Jennifer H. Rearden'.

Jennifer H. Rearden, U.S.D.J.

Dated: November 6, 2023

BY ECF

Hon. Jennifer H. Rearden, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Mt. Hawley Ins. Co. v. Papa Nikos Pizza Inc. and Morgan Almond
Case No. 1:22-cv-04154-JHR

Our File: 509309

Dear Judge Rearden:

This firm represents plaintiff Mt. Hawley Insurance Company ("Mt. Hawley"). We have received the Court's October 27, 2023 Order to Show Cause (Doc. 25) directing, *inter alia*, that a motion for default judgment by Mt. Hawley against defendants Papa Nikos Pizza Inc. ("Papa Nikos") and Morgan Almond must be made by November 3, 2023.

We have been advised that the underlying action that is the subject of this insurance declaratory judgment action has been settled in principle. That settlement will dispose of this action, and we anticipate filing a Rule 41(a)(1)(A) notice of dismissal. However, the settlement documents are still in the process of being prepared. If the Court is amenable, we would request a date approximately 90 days from today to report back to the Court in the event we are not able to file

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the notice dismissal before such date. We will file the anticipated notice of dismissal as soon as we are advised the underlying settlement has been completed.

We are available to provide any additional information the Court requests. Thank you.

Respectfully submitted,

DELAHUNT LAW PLLC

A handwritten signature in blue ink, appearing to read 'Timothy E. Delahunt', is written over the printed name and email address.

Timothy E. Delahunt
tdelahunt@delahuntpllc.com